

IN THE UNITED STATES DISTRICT COURT
FOR THE MIDDLE DISTRICT OF ALABAMA
NORTHERN DIVISION

LIGHTCAST INC.,)
)
)
Plaintiff,)
v.)
) Case No. 2:14cv228-WHA
LIGHTCAST INC., et al.,)
)
)
Defendants.) (wo)
)
)

ORDER

This cause is before the court on a Motion Pursuant to Rule 12 (Doc. #11), filed by the Defendants, Lightcast Inc. and Cross Media Corporation.

The Defendants moved for dismissal or transfer pursuant to Rule 12, and specifically cited Rule 12(b)(3). In moving for a dismissal or transfer of venue, the Defendants merely stated that they have no contacts with the State of Alabama, and only maintain a website which is viewed by people in Alabama.

The Plaintiff responded to the motion with arguments as to why it would not be more convenient for the case to be tried in the proposed transferee court than in this court. The Plaintiff, however, did not address any argument that venue is improper in this court. The Plaintiff also asserted that the Defendants have waived the defense of lack of personal jurisdiction.

In their Reply, the Defendants stated that the Plaintiff has set forth the proper analysis in its opposition, but argued that there are no sufficient minimum contacts for the exercise of personal jurisdiction over them.

In short, it is unclear to the court, and apparently to the parties, which provisions of Rule 12

the Defendants intended to rely on in their Rule 12 Motion, and the grounds they are raising in support of that motion.

Accordingly, it appears to the court that the most efficient way to proceed is for the court, pursuant to Fed. R. Civ. Proc. 12(f), to strike the Defendants' Motion Pursuant to Rule 12, to give the Defendants time in which to file a new Motion, and to set that motion on a new briefing schedule. Therefore, it is hereby ORDERED as follows:

1. The Motion Pursuant to Rule 12 (Doc. #11), the Plaintiff's Opposition (Doc. #15), and the Defendants' Submission (Doc. #16) are STRICKEN.
2. The Defendants are given until June 16, 2014 to file a new Rule 12 motion in place of the motion stricken by this Order.

Done this 9th day of June, 2014.

/s/ W. Harold Albritton
W. HAROLD ALBRITTON
SENIOR UNITED STATES DISTRICT JUDGE